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GENERAL AND COMPLETE DISARMAMENT

Letter dated 31 October 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the Model Nuclear Weapons Convention which has been carefully drafted by an international consortium of lawyers, scientists and disarmament experts led by the Lawyers Committee on Nuclear Policy.

On 15 December 1994, the General Assembly adopted resolution 49/75 K, in which it requested the International Court of Justice to render its advisory opinion on the question: "Is the threat or use of nuclear weapons in any circumstance permitted under international law?"

On 8 July 1996, the International Court of Justice delivered its advisory opinion on the above question, in which it concluded unanimously that: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control" (see A/51/218, para. 105).

Moreover, on 10 December 1996, the General Assembly adopted resolution 51/45 M, entitled "Advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons," in which it:

> "Underline[d] the unanimous conclusion of the Court that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;
>
> "Call[ed] upon all States to fulfil that obligation immediately by commencing multilateral negotiations in 1997 leading to an early conclusion of a nuclear-weapons convention prohibiting the development, production,

testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

"Request[ed] the Secretary-General to provide the necessary assistance to support the implementation of the present resolution". (paras. 4, 5, 6)

The Model Nuclear Weapons Convention is submitted as a work in progress setting forth the legal, technical and political issues that should be considered in order to obtain an actual nuclear-weapons convention.

The existence of nuclear weapons continues to endanger all peoples and nations. We believe that we should carry through with the tasks that non-governmental organizations have started, in order to create legal instruments to bring about the complete elimination of nuclear weapons.

We consider the Model Nuclear Weapons Convention an effective and helpful instrument in the deliberative process for the implementation of General Assembly resolution 51/45 M.

Therefore, I kindly request Your Excellency to have the draft nuclear weapons convention circulated as an official document of the General Assembly, under agenda item 71.

(Signed) Melvin SÁENZ-BIOLLEY
Ambassador, Deputy Permanent Representative
Chargé d'affaires a.i.

Annex

MODEL
NUCLEAR WEAPONS CONVENTION

Convention on the Prohibition of the Development, Testing, Production, Stockpiling, Transfer, Use and Threat of Use of Nuclear Weapons and on Their Elimination

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Key to Symbols and Abbreviations:
[..] Square brackets indicate alternative language or optional text.
{..} Curly brackets indicate comments and sources.

CTBT - Comprehensive Test Ban Treaty
CWC - Chemical Weapons Convention
HEU - Highly Enriched Uranium
IAEA - International Atomic Energy Agency
ICC - International Criminal Court
INF - Treaty Between the USA and the USSR on the Elimination of Their Intermediate-range and Shorter-Range Missiles
MOX - Mixed Oxide
START - Treaty Between the USA and the USSR on Reduction and Limitation of Strategic Offensive Arms

Summary

General Obligations

The model Nuclear Weapons Convention prohibits development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons. States possessing nuclear weapons will be required to destroy their arsenals according to a series of phases. The Convention also prohibits the production of weapons usable fissile material and requires delivery vehicles to be destroyed or converted to make them non-nuclear capable.

Declarations

States parties to the Convention will be required to declare all nuclear weapons, nuclear material, nuclear facilities and nuclear weapons delivery vehicles they possess or control, and the locations of these.

Phases for elimination

The Convention outlines a series of five phases for the elimination of nuclear weapons beginning with taking nuclear weapons off alert, removing weapons from deployment, removing nuclear warheads from their delivery vehicles, disabling the warheads, removing and disfiguring the "pits" and placing the fissile material under international control. In the initial phases the U.S. and Russia are required to make the deepest cuts in their nuclear arsenals.

Verification

Verification will include declarations and reports from States, routine inspections, challenge inspections, fixed on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information sharing with other organizations, and citizen reporting. Citizens reporting suspected violations of the convention will be provided protection through the Convention including the right of asylum.

An International Monitoring System will be established under the Convention to gather information, and will make most of this information available through a registry. Information which may jeopardize commercial secrets or national security will be kept confidential.

National Implementation Measures

States parties are required to adopt necessary legislative measures to implement their obligations under the Convention to provide for prosecution of persons committing crimes and protection for persons reporting violations of the Convention.

States are also required to establish a national authority to be responsible for national tasks in implementation.

Rights and Obligations of Persons

The Convention applies rights and obligations to individuals as well as States. Individuals have an obligation to report violations of the Convention and the right to protection if they do so. Procedures for the apprehension and fair trial of individuals accused of committing crimes under the treaty are provided.

Agency

An agency would be established to implement the Convention. It will be responsible for verification, ensuring compliance, and decision making, and will comprise a Conference of States Parties, an Executive Council and a Technical Secretariat.

Nuclear Material

The Convention prohibits the production of any fissionable or fusionable material which can be used to make a nuclear weapon, including plutonium and highly enriched uranium. Low enriched uranium would be permitted for nuclear energy purposes.

Cooperation, Compliance and Dispute Settlement

Provisions are included for consultation, cooperation and fact-finding to clarify and resolve questions of interpretation with respect to compliance and other matters. A legal dispute may be referred to the International Court of Justice by mutual consent of States Parties. The Agency also is empowered to request an advisory opinion from the ICJ on a legal dispute.

The Convention provides for a series of graduated responses for non-compliance beginning with consultation and clarification, negotiation, and, if required, sanctions or recourse to the U.N. General Assembly and Security Council for action.

Financing

Nuclear weapon states are obliged to cover the costs of the elimination of their nuclear arsenals. However, an international fund will be established to assist states which may have financial difficulties in meeting their obligations.

Optional Protocol Concerning Energy Assistance

The Convention does not prohibit the use of nuclear energy for peaceful purposes. However it includes an optional protocol which would establish a program of energy assistance for States Parties choosing not to develop nuclear energy or to phase out existing nuclear energy programs.

Model Convention on the Prohibition of the Development, Testing, Production, Stockpiling, Transfer, Use and Threat of Use of Nuclear Weapons and on Their Elimination

Preamble

We the people of the Earth, through the States signatory to this Convention:

Convinced **that the existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all the creatures of this Earth;**

Noting **that the destructive effects of nuclear weapons upon life on earth are uncontrollable whether in time or space;**

Aware **that amongst weapons of mass destruction, the abolition of which is recognized as being in the collective security interest of all people and States, nuclear weapons are unprecedented and unequalled in destructive potential;**

Affirming **that the inherent dignity and equal and inalienable rights of all members of the humar family include the right to life, liberty, peace and the security of person;**

Convinced **that all co' 'tries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on Earth;**

Recognizing **that numerous regions, including Latin America, the South Pacific, Antarctica, Southeast Asia and Africa, have already established nuclear weapon free zones, where possession, production, development, use and threat of use of nuclear weapons are forever prohibited, and desiring to extend this benefit to the entire planet for the good of all life;**

Determined **to eliminate the risks of environmental pollution by radioactive waste and other radioactive matter derived from nuclear weapons and to ensure that the bounty and beauty of the Earth shall remain the common heritage of all of us and our descendants in perpetuity to be enjoyed by all in peace;**

Gravely concerned **that the use of nuclear weapons may be brought about not only intentionally by war or terrorism, but also through human or mechanical error or failure, and that the very existence and gravity of these threats of nuclear weapons use generates a climate of suspicion and fear which is antagonistic to the promotion of universal respect for and observance of the human rights and fundamental freedoms set forth in the Charter of the United Nations and the Universal Declaration of Human Rights;**

Convinced **of the serious threats posed to the environment by nuclear arsenals, the economic and social costs and waste of intellectual talent occasioned by these arsenals and the efforts required to prevent their use, the dangers inherent in the existence of the materials used to make nuclear weapons and the attendant problems of proliferation, the medically and psychologically catastrophic effects of any use of a nuclear weapon, the potential effects of mutations on the genetic pool and numerous other risks associated with nuclear weapons;**

Welcoming **the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, as indications of a progression toward the elimination of all weapons of mass destruction;**

Recognizing that all life is sacred and that there is a moral imperative to eliminate all weapons of mass destruction;

Believing that the threat and use of nuclear weapons is incompatible with civilized norms, standards of morality and humanitarian law which prohibit the use of inhumane weapons and those with indiscriminate effects;

Recalling Resolution 1(I), adopted unanimously on January 24, 1946 at the First Session of the General Assembly of the United Nations, and the many subsequent resolutions of the United Nations which call for the elimination of atomic weapons;

Recalling also the Final Document of the United Nations First Special Session of the General Assembly on Disarmament 1978, which calls for the elimination of nuclear weapons;

Mindful of the solemn obligations of States made in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons to end the nuclear arms race at an early date and achieve nuclear disarmament, and in the *"Principles and Objectives for Nuclear Non-Proliferation and Disarmament"* adopted pursuant to that Treaty, furthering their commitment to eliminate all nuclear weapons;

Convinced that the elimination of nuclear weapons is an important step towards the goal of general and complete disarmament;

Welcoming the advisory opinion of the International Court of Justice of July 8, 1996, which concluded *"that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law"*, and concluded unanimously that *"There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control"*;

Recalling United Nations General Assembly resolution 51/45 M, of December 10, 1996, which underlines the nuclear disarmament obligation affirmed by the International Court of Justice and *"calls upon all States to fulfill that obligation immediately by commencing multilateral negotiations in 1997 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination"*;

Recalling United Nations General Assembly resolutions 51/45 O and 51/46 D, of December 10, 1996, which also call for the conclusion of a nuclear weapons convention;

Convinced that a convention prohibiting the development, testing, production, stockpiling, transfer, use and threat of use of nuclear weapons and providing for their elimination is required to abolish these weapons from the Earth;

Have agreed as follows:

I. General Obligations

A. State Obligations

1. Each State Party to this Convention undertakes never under any circumstances:

   a. To use or threaten to use nuclear weapons;

   b. To engage in any military or other preparations to use nuclear weapons;

   c. To research, develop, test, produce, otherwise acquire, deploy, stockpile, maintain, retain, or transfer nuclear weapons except as specified under paragraph 4 of this Article;

   d. To research, develop, test, produce, otherwise acquire, stockpile, retain, transfer or use special nuclear materials except as specified under paragraph 4 of this Article;

   e. To research, develop, test, produce, otherwise acquire, deploy, stockpile, maintain, retain, or transfer delivery vehicles for the purpose of delivering nuclear weapons;

   f. To research, develop, test, produce, otherwise acquire, stockpile, maintain, retain, or transfer nuclear weapons components or equipment as specified in this Convention;

   g. To assist, encourage, induce or permit, in any way, directly or indirectly, anyone to engage in any activity prohibited under this Convention.

2. Each State Party undertakes:

   a. To destroy all nuclear weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention;

   b. To destroy all nuclear weapons it abandoned on the territory of another State, in accordance with the provisions of this Convention;

   c. To destroy all nuclear weapons testing and production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, or to convert such facilities to weapons destruction facilities or other facilities not prohibited by this Convention;

   d. [To disable or destroy all facilities, systems or sub-systems designed or used in the command or control of nuclear weapons, or convert such facilities, systems or

sub-systems to purposes not prohibited under this Convention;]

e. To destroy or convert for purposes not prohibited under this Convention all nuclear weapons delivery vehicles;

f. To place all special nuclear materials under international Safety Controls as specified in this Convention.

g. To participate in good faith in activities aimed at the promotion of transparency with respect to nuclear weapons and related technologies and the promotion of education for the purposes of detecting and preventing activities prohibited under this Convention;

h. To report violations of this Convention to the Agency [and to cooperate to the fullest with the Agency's investigative, monitoring and verification functions;] [and to provide to the Agency all information requested by the Agency for the purposes of implementing this Convention, except such information as may be withheld for legitimate international or national security or trade secret concerns;]

i. To enact all domestic legislation necessary for the implementation of this Convention.

3. These obligations shall apply equally to nuclear explosive devices intended for peaceful purposes, [except with the special authorization of the Agency].

4. These obligations shall not be interpreted to prohibit activities consistent with the application and implementation of the provisions of this Convention, including but not limited to transfer of nuclear weapons, special nuclear materials, and delivery vehicles for the purpose of their destruction or disposal, and nuclear weapons research for the purpose of nuclear disarmament and verification thereof.

B. Obligations of Persons

5. The following acts are crimes for which persons shall be held responsible regardless of their position, residence, citizenship or country of incorporation:

a. To engage or attempt to engage in any acts listed in subparagraphs 1.a through 1.f, inclusive, of this Article;

b. To aid, abet, permit, or otherwise assist, in any way, anyone to engage in any activity prohibited under this Convention.

6. The fact that the present Convention provides criminal responsibility for individuals does not affect the responsibility of States under international law. {Source: ICC draft statute}

II. Definitions

A. States and Persons

1. "Nuclear Weapons State" means a state which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967 [or has otherwise declared that it possesses nuclear weapons].

2. ["Nuclear Threshold State" means. . . .] {See Special Provision, Art. IV, Section E.}

3. "Nuclear Capable State" means a State which has any nuclear power or nuclear research reactor as per the list of the International Atomic Energy Agency.

4. "Non-Nuclear Capable State" means any other State.

5. "Person" means a natural or legal person.

B. Nuclear Weapons

6. "Nuclear Weapon" means:

   a. Any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes; {Source: Treaty of Tlatelolco}

   {OR

   a. Any explosive device, in assembled or disassembled form, designed for or capable of releasing nuclear energy by fission or fusion;] or

   b. Any radiological weapon; or

   c. Any weapon which is designed to include a nuclear explosive device as a trigger or other component.

   An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof. {Source: Treaty of Tlatelolco}

7. "Nuclear Weapon Component" means [any constituent part of a nuclear weapon excluding the special nuclear material.]

8. "Plutonium Pit" means the core element of a nuclear weapon's primary or fission component.

9. "Radiological Weapon" means any weapon which disperses radioactive material or uses radioactive material as a primary material in its construction.

10. "Warhead" means the explosive part of a nuclear weapons system. Warheads consist of nuclear materials, conventional high explosives, and related firing mechanisms.

C. Nuclear Weapons Delivery Vehicles

11. "Nuclear Weapons Delivery Vehicle" means any vehicle designed for or capable of delivering a nuclear weapon. Any nuclear weapon delivery vehicle which has been constructed, developed, flight-tested or deployed for weapon delivery shall be considered a nuclear weapon delivery vehicle.

12. "Ballistic Missile" means a missile that

a. consists of single or multiple stage(s) whose sole means of propulsion is an internal rocket engine that is functional over all or a portion of the flight path;
b. follows a ballistic trajectory over the remaining unpowered portion of a flight path; and
c. is devoid of active aerodynamic surfaces.

13. "Air-to-Surface Ballistic Missile (ASBM)" means a ballistic missile that is installed in an aircraft or on its external mountings for the purpose of being launched from this aircraft.

14. "Ground-Launched Ballistic Missile (GLBM)" means a ground-launched ballistic missile that is a weapon-delivery vehicle.

15. "Intercontinental Ballistic Missile (ICBM)" means a land-based ballistic missile with a range in excess of 5,500 kilometers.

16. "Submarine [Sea] Launched Ballistic Missile (SLBM)" means a ballistic missile designed to be launched from a submarine or other naval vessel.

{Source for specific ballistic missile definitions: START, modified}

17. "Cruise Missile" means an unmanned, self-propelled weapon delivery vehicle that sustains flight through the use of aerodynamic lift over most of its flight path. Cruise Missiles include:
a. Air Launched Cruise Missile (ALCM);
b. Ground Launched Cruise Missile (GLCM);

c. Sea Launched Cruise Missile (SLCM).

18. "Intermediate-Range Missile" means a ballistic or cruise missile having a range capability in excess of 1,000 kilometers but not in excess of 5,500 kilometers;

19. "Shorter-Range Missile" means a ballistic or cruise missile having a range capability equal to or in excess of 500 kilometers but not in excess of 1,000 kilometers;

{Source for cruise, intermediate-range and shorter-range missile definitions: INF, modified}

20. "Bomber" means an airplane which was initially constructed or later converted to be equipped for bombs or air-to-surface missiles.

21. "Heavy Bomber" means a bomber which satisfies either of the following criteria:
a. its range is greater than 8,000 kilometers; or
b. it is equipped for long-range nuclear ALCMs.

{Source for bomber definitions: START, modified}

22. "Nuclear-Capable" in relation to delivery vehicles means able to deliver and activate a nuclear weapon.

23. ["Nuclear-Capable Missile" means a missile able to deliver any payload over 300 kilometers.]

24. "Nuclear-Capable Submarines" includes ballistic missile submarines, cruise missile submarines and attack submarines capable of delivery of nuclear weapons.

{Additional naval vessels and aircraft capable of delivering nuclear weapons to be included.}

D. Nuclear Energy, Explosives, and Explosive Devices:

25. "Nuclear Energy" means energy produced in any nuclear or subnuclear reaction such as fission, fusion, acceleration, annihilation, transmutation, catalysis, or decay [including natural or stimulated decay of nuclear isomers and radioactive materials].

26. "Nuclear Explosion" means the release of significant amounts of nuclear energy on a time-scale faster than or comparable to chemical explosives [including micro-fission, micro-fusion or miniaturized devices of any yield].

27. "Nuclear Explosive Device" means any device capable of undergoing a nuclear explosion, irrespective of its purpose. The term includes such a weapon or device in unassembled

and partly assembled forms, as well as devices or assemblies which belong to a nuclear explosive device or are a modification of such suitable for development and testing of nuclear weapons or other nuclear explosive devices, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it.

28. "Significant Amount of Nuclear Energy" means more than the energy released by radioactive decay and spontaneous fission and may be much smaller than the maximum energy yield of the largest chemical explosions.

E. Nuclear Facilities

29. "Nuclear Facility" means any facility for the research, testing, production, extraction, enrichment, processing, reprocessing, or storage of nuclear material, nuclear weapons, or components for nuclear weapons; any facility for the production of energy through the fission or fusion of isotopes; and any facility for the assembly, disassembly, maintenance, modification deployment, delivery, command, or control of nuclear weapons. The term "Nuclear Facility" includes [but is not limited to] the following:

30. "Command, Control or Communication Facility", means [any facility designed or used solely for the purpose of launching, targeting, directing or detonating a nuclear weapon or its delivery vehicle, or for aiding or assisting in any of these purposes.]

31. "Deployment Site" means the location where a nuclear weapon is or has been deployed, or a location which is equipped for the deployment of nuclear weapons.

32. "Nuclear Enrichment Facility" means a facility capable of increasing the ratio of the isotope uranium-235 in natural uranium.

33. "Nuclear Reactor" means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.

34. "Nuclear Reprocessing Facility" means a facility to separate irradiated nuclear materials and fission products, and includes the facility's head-end treatment section and its associated storage and analytical sections.

35. "Nuclear Weapons Destruction Facility" means any facility in which nuclear weapons are destroyed or rendered permanently inoperable.

36. "Nuclear Weapons Facility" means any facility for the design, research, testing, production, storage, assembly, disassembly, maintenance, modification, deployment, delivery, command, or control of nuclear weapons.

37. "Nuclear Weapons Production Facility" means any nuclear facility which produces materials which have been used or are intended to be used for military purposes, including such a reactor, a plant for processing nuclear material irradiated in a reactor, a plant for separating the isotopes of nuclear material, a plant for processing or fabricating nuclear material, a plant for the construction or assembly of nuclear weapon components, or a facility or plant of such other type as may be deemed a Nuclear Weapons Production Facility by the Technical Secretariat. {A nuclear weapons production facility might but would not necessarily be a complex that includes research, storage, destruction, reprocessing, or testing facilities.}

38. "Nuclear Weapons Research Facility" means any facility in which nuclear weapons research is conducted.

39. "Nuclear Weapons Storage Facility" means a facility for the storage of nuclear weapons but does not include such a facility located on a deployment site.

40. "Nuclear Weapons Testing Facility" means a facility or prepared site for conducting nuclear weapons testing.

41. "Other Nuclear Facility" means any nuclear facility other than a nuclear weapons facility or a principal nuclear facility.

42. "Principal Nuclear Facility" means any nuclear facility which can produce special nuclear material and includes reactors, plants for processing nuclear material irradiated in a reactor, plants for separating the isotopes of nuclear material, plants for processing or fabricating nuclear material (except a mine or ore processing plant), storage facilities for special nuclear materials, and facilities or plants of such other type as may be designated by the Technical Secretariat. {Source: IAEA, modified}

F. Nuclear Materials

43. "Nuclear Material" means any source or fissionable or fusionable material as defined in this Convention.

44. "Deuterium" is an isotope of hydrogen with one proton and one neutron in the nucleus (symbol: H2). {Used in the fusion reaction of a nuclear weapon.}

45. "Exemption Quantities" mean quantities of nuclear material not prohibited under the provisions of this Convention [and specified as follows. . . .]

46. "Fissile Material" means any elements in which the nuclei may be split either spontaneously or with the bombardment of neutrons of low energy.

47. "Fissionable Material" means any elements in which the nuclei may be split either spontaneously or with the bombardment of neutrons regardless of the energy of the neutron, and includes fissile material.

48. "Fusionable Material" means any nuclide capable of undergoing fusion with the same kind of nuclide or with any other nuclide by applying sufficient conditions (pressure, temperature and inclusion time) with technical means. {The number of nuclides that fall under this definition may change with scientific-technical progress.}

49. "Highly Enriched Uranium (HEU)" means uranium in which the naturally occurring U-235 isotope (0.7% in natural uranium) is increased to 20% U-235 or above, but usually to 90% or more.

50. "Low Enriched Uranium (LEU)" means uranium enriched in the isotopic content of U-235 but to less than 20% of the total mass (usually to between 2% and 4%).

51. "Low-Level Waste" means radioactive waste not classified as high-level waste, transuranic waste, spent nuclear fuel or byproduct material.

52. "Mixed Oxide Fuel (MOX fuel)" means nuclear reactor fuel composed of plutonium and uranium oxides.

53. "Other Special Nuclear Material" means special nuclear material other than plutonium and uranium enriched to 20% or more U-235 or U-233.

54. "Plutonium" is a human-made element resulting from capture of a neutron by U-238 (symbol: Pu).

55. "Significant quantity" means the approximate quantity of nuclear material in respect of which, taking into account any conversion process involved, the possibility of manufacturing a nuclear explosive device cannot be excluded. {Source: IAEA Glossary}

56. "Source Material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope U-235; thorium; [lithium;] any of the foregoing in the form of metal, alloy, chemical compound or concentrate; or deuterium.

57. "Special Fissionable Material" means fissionable material that can be used for the manufacture of nuclear weapons without transmutation or further enrichment, and includes any isotopic mixture of Plutonium (Pu), Uranium (U) enriched in the isotope Uranium-235 to 20% or more, Uranium-233, and any material containing one or more of the foregoing.

58. "Special Fusionable Material" means any fusionable material that can be used for the manufacture of nuclear weapons and includes deuterium, tritium, helium-3, and lithium-6.

59. "Special Nuclear Material" means any special fissionable or any special fusionable material.

60. "Tritium" is a radioactive gas, an isotope of hydrogen, that serves as a booster for the fusion reaction in the secondary component of a nuclear weapon (symbol: H3).

G. Nuclear Activities

61. "Nuclear Activity" means:

a. Any construction or use of a nuclear reactor or component parts thereof;

b. Any production, use or threat of use of a nuclear weapon;

c. Any research, development or testing of nuclear energy or nuclear weapons;

d. Any production, separation, treatment or handling of nuclear material;

e. Any dismantling, disabling or destruction of nuclear weapons;

f. Any decommissioning of nuclear reactors and power plants;

g. Any application of radiation and isotopes in food, agriculture, medicine, engineering, geology or other industrial processes; or

h. Any other activity listed below or deemed a nuclear activity by the Agency.

62. "Convert" means modify to a use not prohibited under this Convention.

63. "Deployment of nuclear weapons" means preparing a nuclear weapon for possible use by any of the following:

a. placing it on or in a delivery system;

b. moving it to a location suitable for delivery to a target.

64. "Destroy" means, with regard to a nuclear weapon and its delivery vehicle, to remove the warhead from its delivery vehicle, dismantle and disable the warhead, dispose of its special nuclear material, and dismantle and disable or convert the delivery vehicle to non-nuclear use, in accordance with the provisions of this Convention.

65. "Disable" means:

a. with regard to a nuclear weapon, to render the weapon unable to be detonated by such means as disengaging or removing the arming fuse and firing mechanisms;

b. with regard to special nuclear material, to render it unable to be used in an explosive device by such means as dilution, mixing with highly radioactive waste, vitrification and final disposal, or transmutation;

c. with regard to command and control systems for nuclear weapons, to render such systems incapable of initiating or directing the launch of nuclear weapons delivery systems;

d. with regard to a nuclear weapon delivery vehicle, to render such vehicle unable to launch a nuclear weapon including such means as removing essential components and removing the delivery vehicle from the launch facilities.

66. "Disassemble" or "Dismantle" means:

a. with regard to nuclear weapons, to take apart the warhead and remove the subassemblies, components, and individual parts;

b. with regard to nuclear weapon delivery vehicles, to separate the essential component parts, such as warheads, propulsion and guidance units.

67. "Nuclear Weapons Research" means experimental or theoretical work undertaken principally to acquire new knowledge going beyond publicly available information of phenomena and observable facts directed toward understanding, development, improvement, testing, production, deployment, or use of nuclear weapons and protection against nuclear weapons.

68. "Nuclear Weapons Testing" means nuclear detonations, computer simulations, hydrodynamic tests, hydronuclear tests, high-energy density tests, sub-critical detonations and other experiments for the purpose of developing, or maintaining nuclear weapons.

69. "Reprocessing" means the treatment of spent (irradiated) reactor fuel to separate plutonium from uranium and other fission products.

70. "Threat of Use of Nuclear Weapons" means any act, whether physical or verbal, including the maintenance of a previously stated policy, by a state, individual, or any other party, that creates or is intended to create a perception [by a state, individual, or any other party] that a nuclear weapon may or will be used.

71. "Uranium Enrichment" means the process of increasing the percentage of U-235 isotopes so that the uranium can be used as reactor fuel or in nuclear weapons.

72. "Use of Nuclear Weapons" means the detonation of a nuclear weapon by a State, person or any other party, and does not include explosions for the testing of nuclear weapons.

73. "Vitrification" means the process of immobilizing radioactive material by encapsulating it into a glasslike solid.

H. Verification

74. "Verification" means a comprehensive system for ensuring the compliance with and implementation of this Convention. Verification measures include providing information on nuclear weapons, nuclear material, nuclear facilities, and nuclear weapons delivery vehicles, through declarations, monitoring, and other means; consultation and clarification; on-site inspections; confidence-building measures; citizen reporting and protection; and any other measures deemed necessary by the Agency.

75. "Abuse of the Right of Verification" means obtaining information, or attempting to obtain information, through verification activities, for purposes not relating to the verification or implementation of and compliance with this Convention.

76. "Confidence-Building Measures" means voluntary measures by States Parties to supply information, additional to that required, to the Technical Secretariat or to other States Parties in order to develop greater confidence in compliance with the Convention. These could include bilateral or multilateral agreements on monitoring and information sharing between States Parties.

77. "Dual-use" refers to equipment or components that can be used for nuclear or non-nuclear purposes.

78. "Fuel Cycle" means the process of mining uranium, refining and fabricating it for use as reactor fuel, and enrichment or reprocessing.

79. "National Technical Means" means [the independent gathering or analysis by a State of information which may have relevance to verification of the Convention.]

80. "Reconstruction" means undertaking good faith efforts to produce or reproduce data that is not readily available regarding past production of nuclear material. Reconstruction measures include gathering and reviewing past data records, analyzing production capacity and estimating the range of quantity of nuclear material produced, and interviewing individuals with knowledge of the operation of a nuclear facility under review.

81. "Safety Controls" mean provisions adopted by the Agency to ensure that nuclear material is not used for any military or other purpose prohibited under this Convention, including provisions for the detection of diversion of nuclear materials and for the prevention of

such diversion. Safety Controls may include the establishment of procedures for transport, treatment, storage and disposition of such materials, including the establishment of environmental guidelines on such activities.

III. Declarations

A. Nuclear Weapons

Each State Party shall submit to the Registry, not later than [30] days after this Convention enters into force for it, the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

1. Declare whether it owns or possesses or has owned or possessed any nuclear weapons, or whether there are any nuclear weapons located in any place under its jurisdiction or control;

2. Specify the precise location, aggregate quantity and detailed inventory of nuclear weapons it owns or possesses, or that are located in any place under its jurisdiction or control.

3. Report any nuclear weapons on its territory that are owned or possessed by another State or under the jurisdiction or control of another State, whether or not the State is a Party to this Convention.

4. Declare whether it has transferred or received, directly or indirectly, nuclear weapons and specify the transfer or receipt of such weapons.

5. Provide its general plan for destruction of nuclear weapons that it owns or possesses, or that are located in any place under its jurisdiction or control.

B. Nuclear Material

Each State Party shall submit to the Registry the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

6. Not later than [60] days after this Convention enters into force for it, declare an inventory of all special nuclear material it owns or possesses or that is located within its jurisdiction or control, whether intended for civilian or military use.

7. Not later than [90] days after this Convention enters into force for it, declare an inventory of all other nuclear material it owns or possesses or that is located within its jurisdiction or control, whether intended for civilian or military use.

8. Not later than [120] days after this Convention enters into force for it, submit a report on the availability of data with respect to nuclear material produced in the past, including estimates regarding missing data and extent of uncertainty, and its plans for the reconstruction of such data.

C. Nuclear Facilities

Each State Party shall submit to the Registry, not later than [180] days after this Convention enters into force for it, the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

9. With respect to nuclear weapons facilities:

a. Declare whether it has or has had any nuclear weapons facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time.

b. Declare any nuclear weapons facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time.

c. Declare any nuclear weapons facility on its territory that another State has or has had under its ownership or possession and that is or has been located in any place under the jurisdiction or control of another State at any time.

d. Declare the precise location and production and storage capacities of any facility reported under subparagraphs a, b, or c above.

e. Declare whether it has transferred or received, directly or indirectly, any equipment for the production of nuclear weapons, and provide a detailed account thereof.

f. Specify actions to be taken for the closure of any facility reported under subparagraphs a, b, or c above.

g. Provide its general plan for conversion of any facility reported under subparagraphs a, b, or c into a nuclear weapons destruction facility.

10. With respect to principal nuclear facilities, declare their precise location as well as their production and storage capacities.

11. With respect to other nuclear facilities, declare the precise location, nature and scope of activities of any nuclear facility under its ownership or possession, or located in any place under its jurisdiction or control. Such declaration shall include, inter alia, laboratories and test and evaluation sites as well as any other facility, site, or installation in which nuclear activities of any kind have been or are carried out, or which are suitable for carrying out such activities. {This includes scientific research laboratories engaged in nuclear physics research and facilities with dual-use potential.}

D. Delivery Vehicles

Each State Party shall submit to the Registry, not later than [210] days after this Convention enters into force for it, the following declarations, in which it shall, in accordance with the standards and guidelines set forth in the Verification Annex:

12. Declare the number and location of all nuclear-capable ballistic and cruise missiles, including all those in storage or under repair.

13. Declare the number and location of all nuclear-capable submarines, naval crafts, and aircraft, including all those in storage or under repair.

IV. Phases for Implementation

A. General Requirements

1. Each phase indicates the deadline for completion of specific implementation activity. Any phase can begin at any time, and does not require the completion of previous phases before initiation.

2. Implementation activities shall be conducted in accordance with the Verification Annex.

B. Extension of Deadlines

3. If a State Party is unable to complete any of its obligations under Phase One within the deadline, it may submit a request to the Executive Council for an extension. Such a request must be made at least [four] months prior to the deadline, and no extension may exceed [six] months.

4. If a State Party is unable to complete any of its obligations under Phase Two within the deadline, it may submit a request to the Executive Council for an extension. Such a request must be made at least [six] months prior to the deadline, and no extension may exceed [one] year[s].

5. If a State Party is unable to complete any of its obligations under Phases Three, Four, or Five within the deadlines, it may submit a request to the Executive Council for an extension of the deadline. Such a request must be made at least [one] year[s] prior to the deadline for that phase, and no extension may exceed [one] year[s].

C. Reciprocity in Extensions

6. If any State Party makes a request for an extension of any deadline, any other State Party may request a similar extension within [one month] of the original State's request.

D. Phases

7. Phase One. Not later than [one year] after entry into force of this Convention:

   a. All States Parties shall have complied with the requirements of Article III {Declarations}.

   b. All nuclear weapons shall be taken off alert status.

   c. All nuclear weapons and their delivery vehicles shall be removed from deployment.

d. Targeting coordinates and navigational information for all nuclear weapon delivery vehicles shall be removed.

e. Production of nuclear weapons components and equipment listed in Schedules 1 and 2 of the Annex on Nuclear Weapons Activities, Components and Equipment shall have ceased.

f. All nuclear testing facilities shall be closed [or converted].

g. Reprocessing or production of special nuclear material shall have ceased, with the exception of exemption quantities.

h. Nuclear weapons research of any sort not consistent with the purposes and obligations of this Convention shall have ceased.

i. Plans for the implementation of all obligations under this Convention shall have been submitted to the Agency.

8. Phase Two. Not later than [two] years after entry into force of this Convention:

a. All warheads and bombs shall be removed from their delivery vehicles and either placed into internationally monitored storage or dismantled.

b. All nuclear weapons shall be disabled, including, but not limited to, the removal of trigger mechanisms.

c. All nuclear weapons [production and] research facilities shall be closed or converted, including but not limited to conversion to nuclear weapons destruction facilities.

d. All nuclear weapons testing facilities shall be dismantled or converted for purposes not prohibited under this Convention.

9. Phase Three. Not later than [five] years after entry into force of this Convention:

a. All nuclear weapons shall be dismantled and destroyed, except:

i. no more than [..] warheads in each of the stockpiles of Russia and the United States; and

ii. no more than [..] warheads in each of the stockpiles of China, France, and the United Kingdom.

b. All delivery vehicles shall be destroyed or converted for purposes not prohibited

under this Convention.

c. All remaining nuclear weapons production and research facilities shall be dismantled, destroyed or converted for purposes not prohibited under this Convention.

10. Phase Four. Not later than [10] years after entry into force of this Convention:

a. All nuclear weapons shall be dismantled and destroyed, except:

i. no more than [..] warheads in each of the stockpiles of Russia and the United States, and

ii. no more than [..] warheads in each of the stockpiles of China, France, and the United Kingdom.

b. All reactors using highly enriched uranium shall be closed or converted to low enriched uranium use.

c. [All reactors using plutonium as fuel shall be closed or converted to reactors that do not use any special nuclear material.]

d. All special nuclear material shall be under strict, effective and exclusive international control.

e. All command, control or communication facilities shall be disabled, destroyed or converted.

11. Phase Five. Not later than [15] years after entry into force of this Convention:

a. All nuclear weapons shall be destroyed.

b. [The powers and functions of the Agency shall be reviewed and adjusted to preserve its role in carrying out the objectives of this Convention.]

E. Special Provision

12. The Executive Council may make special provision for temporary retention of small and diminishing quantities of nuclear weapons by States which are not Nuclear Weapons States within the meaning of paragraph II.A.1 but which desire to become party to the Convention and are known to possess or have credibly declared that they possess nuclear weapons. {Provision designed to deal with nuclear threshold states.}

V. Verification

A. Elements of Verification Regime

In order to verify compliance with this Convention, a verification regime shall be established consisting of the following elements:

1. Agreements on sharing data and verification activities with existing agencies,

2. A Registry and International Monitoring System,

3. Reporting of information gathered by National Technical Means,

4. Consultation and clarification,

5. On-site inspections, including challenge inspections,

6. Confidence-building measures,

7. Citizen reporting and protection,

8. Any other measures deemed necessary by the Agency.

B. Activities, Facilities, and Materials Subject to Verification

9. All obligations of States Parties and persons as defined, *inter alia*, in Article I {General Obligations}, Article III {Declarations} and Article IV, Section D {Phases} shall be subject to verification in accordance with the relevant provisions of this Convention and its Verification Annex..

C. Rights and Obligations of States Parties With Respect to Verification

10. Verification activities shall be based on objective information, shall be limited to the subject matter of this Convention, and shall be carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.

11. Each State Party undertakes in accordance with this Convention to cooperate through its National Authority established pursuant to Article VI {National Implementation Measures} of this Convention, with the Agency, with other States Parties and with other agencies as stipulated in paragraphs 1 through 8, inclusive, of this Article, to facilitate the verification of compliance with this Convention by, *inter alia*:

a. Establishing the necessary facilities, or providing necessary modifications to existing facilities, to participate in these verification measures, and establishing the necessary communication;

b. Providing all relevant data obtained by National Technical Means and by national systems that are part of the International Monitoring System;

c. Participating, as necessary, in a consultation and clarification process;

d. Permitting the conduct of on-site inspections;

e. Participating in confidence-building measures; and

f. To the extent possible, internationalizing elements of its National Technical Means and incorporating them into the International Monitoring System.

12. Each State Party shall have the right to take measures not contrary to the provisions of this Convention to prevent disclosure of confidential information and data not related to this Convention.

13. Subject to paragraph 12, information obtained by the Agency through the verification regime established by this Convention shall be made available to all States Parties in accordance with the relevant provisions of this Convention.

14. The provisions of this Convention shall not be interpreted as restricting the international exchange of data for scientific purposes not prohibited by this Convention.

15. Each State Party undertakes to cooperate with the Agency and with other States Parties in the improvement of the verification regime and in the examination of additional monitoring technologies. Such measures shall, when agreed, be incorporated in amendments to this Convention or changes to the Annexes or, where appropriate, be reflected in the operational manuals of the Technical Secretariat.

D. Confidence-Building Measures

16. Each State Party undertakes to cooperate with the Agency and with other States Parties in implementing various measures additional to those explicitly required under this Convention in order to:

a. Develop greater confidence regarding compliance with the obligations under this Convention, and

b. Assist in the compilation of detailed information by the International Monitoring System. {Source: CTBT, modified}

VI. National Implementation Measures

A. Legislative Implementation

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary legislative measures to implement its obligations under this Convention. In particular, it shall:

   a. Extend its penal legislation to provide, in accordance with Article VII, Section A, for the trial, extradition and punishment of persons who commit crimes as defined in Article I, Section B.

   b. Provide all necessary protection for persons who report violations of this Convention, in accordance with Article VII, Section C.

2. Each State Party shall cooperate with other States Parties in affording legal assistance toward fulfilling the obligations under paragraph 1.

3. Each State Party, in the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard.

B. Relations Between the State Party and the Agency

4. In order to fulfill its obligations under this Convention, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Agency and other States Parties. Each State Party shall notify the Agency of its National Authority at the time that this Convention enters into force for it. The responsibilities of the National Authority include:

   a. The preparations and submission of declarations in the registry;

   b. The enactment of new legislation or the revision of existing legislation to facilitate the enforcement of the Convention;

   c. Preparations for receiving inspections, including, *inter alia,* approval of the list of inspectors, issuing of multiple entry visas for inspectors, providing aircraft clearances, and designating points of entry and exit.

5. Each State Party shall inform the Agency of the legislative and administrative measures taken to implement this Convention.

6. Each State Party undertakes to cooperate with the Agency in the exercise of all its

functions and in particular to provide assistance to the Technical Secretariat. This includes cooperation in carrying out any investigation which the Agency may initiate, and to provide or support assistance with investigations of non-complying State Parties and with Parties exposed to danger as a result of violation of this Convention.

7. Each State Party shall disseminate information regarding the requirements of this Convention and shall ensure the inclusion of such information in the training of relevant personnel regarding obligations under this Convention.

8. Each State Party shall transmit relevant information gathered by its National Technical Means to the International Monitoring System.

C. Confidentiality

9. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Agency. Information subject to confidentiality shall include data used for purposes not prohibited under this Convention and state and military technology for dual use vehicles, components and computers.

VII. Rights and Obligations of Persons

A. Criminal Procedure

1. Any person accused of committing a crime under this Convention within the jurisdiction of a State Party of which such person is a citizen or resident shall be

   a. tried according to the legal process of such State if found within such State, or

   [b. extradited to the International Criminal Court if the crime alleged is within the jurisdiction of such Court.]

2. If found within another State Party, such person shall be

   a. tried within such State, or

   b. extradited to the State within the jurisdiction of which the crime is alleged to have been committed, or

   [c. extradited to the International Criminal Court if the crime alleged is within the jurisdiction of such Court.]

3. Any person accused of a crime under this Convention shall be assumed to be innocent until proven guilty and have the right to a fair trial and humane treatment, as prescribed by the International Covenant on Civil and Political Rights and other conventions and agreements which have acquired the status of customary international law.

B. Responsibility to Report Violations

4. Persons shall report any violations of this Convention to the Agency. This responsibility takes precedence over any obligation not to disclose information which may exist under national security laws or employment contracts.

5. [Information received by the Agency under the preceding paragraph shall be held in confidence until formal charges are lodged, except to the extent necessary for investigative purposes.]

C. Protection for Persons Providing Information

Intra-state protection

6. Any person reporting a suspected violation of this Convention, either by a person or a State, shall be guaranteed full civil and political rights including the right to liberty and security of person.

7. States Parties shall take all necessary steps to ensure that no person reporting a suspected violation of this Convention shall have any rights diminished or privileges withdrawn as a result.

8. Any individual who [in good faith] provides the Agency or a National Authority with information regarding a known or suspected violation of this Convention cannot be arrested, prosecuted or tried on account thereof.

9. It shall be an unlawful employment practice for an employer to discriminate against any employee or applicant for employment because such person has opposed any practice as a suspected violation of this Convention, reported such violation to the Agency or a National Authority, or testified, assisted, or participated in any manner in an investigation or proceeding under this Convention.

10. Any person against whom a national decision is rendered on account of information furnished by such person to the Agency about a suspected violation of this Convention may appeal such decision to the Agency within [..] months of being notified of such decision. The decision of the Agency in the matter shall be final.

Inter-State Protection

11. Any person reporting a violation of this Convention to the Agency shall be afforded protection by the Agency and by all States Parties, including, in the case of natural persons, the right of asylum in all other States Parties if their safety or security is endangered in the State Party in which they permanently or temporarily reside.

Additional Provisions

12. [The Executive Council may decide to award monetary compensation to persons providing important information to the Agency concerning violations of this Convention.]

13. Any person who voluntarily admits to the Agency having committed a violation of this Convention, prior to the receipt by the Agency of information concerning such violation from another source, may be exempt from punishment. In deciding whether to grant such exemption, the Agency shall consider the gravity of the violation involved as well as whether its consequences have not yet occurred or can be reversed as a result of the admission made.

VIII. Agency

A. General Provisions

1. The States Parties to this Convention hereby establish the Agency for the Prohibition of Nuclear Weapons (hereinafter "the Agency") to achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

2. All States Parties to this Convention shall be members of the Agency. A State Party shall not be deprived of its membership in the Agency.

3. The seat of the Headquarters of the Agency shall be _____.

4. The organs of the Agency are the Conference of the States Parties, the Executive Council, and the Technical Secretariat. The Technical Secretariat shall oversee the Registry and the International Monitoring System.

5. The Agency shall conduct its verification activities provided for under this Convention in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfill its responsibilities under this Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Convention.

6. In undertaking its verification activities the Agency shall consider measures to make use of advances in science and technology.

7. The costs of the Agency's activities shall be paid by States Parties in accordance with Article XVI (Financing). The budget of the Agency shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs.

8. A member of the Agency which is in arrears in the payments of its financial contribution to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. The Conference of the States Parties

Composition, procedures and decision-making

9. The Conference of the States Parties (hereinafter "the Conference") shall be composed of all members of this Agency. Each member shall have one representative in the Conference, who may be accompanied by alternates and advisors.

10. The first session of the conference shall be convened by the depositary not later than 30 days after the entry into force of this Convention.

11. The Conference shall meet in regular sessions which shall be held annually unless it decides otherwise.

12. Special sessions of the Conference shall be convened:

a. When decided by the Conference;

b. When requested by the Executive Council;

c. When requested by any member and supported by one third of the members;

d. In accordance with paragraph 22 to undertake reviews of the operation of this Convention.

Except in the case of subparagraph (d) the special session shall be convened not later than 30 days after receipt of the request by the Director-General of the Technical Secretariat, unless specified otherwise in the request.

13. The Conference shall also be convened in the form of an Amendment Conference in accordance with Article XVII {Amendments}.

14. Sessions of the Conference shall take place at the seat of the Agency unless the Conference decides otherwise.

15. The Conference shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairperson and such other officers as may be required. They shall hold office until a new Chairperson and other officers are elected at the next regular session.

16. A majority of the members of the Agency shall constitute a quorum for the Conference.

17. Each member of the Agency shall have one vote in the Conference.

18. The Conference shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairperson shall defer any vote for 24 hours and during this period of

deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless specified otherwise in this Convention. When the issue arises as to whether the question is one of substance or not, the question shall be treated as a matter of substance unless otherwise decided by the Conference by the majority required for decisions on matters of substance.

Powers and functions

19. The Conference shall be the principal organ of the Agency. It shall consider any questionsssmatters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any questions, matters or issues related to this Convention raised by a State Party or brought to its attention by the Executive Council.

20. The Conference shall oversee the implementation of this Convention, and act in order to promote its object and purpose. The Conference shall review compliance with this Convention. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issues guidelines in accordance with this Convention to either of them in the exercise of their functions.

21. The Conference shall:

a. Consider and adopt at its regular sessions the report, program and budget of the Agency, submitted by the Executive Council, as well as consider other reports;

b. Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 7;

c. Elect the members of the Executive Council;

d. Appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General");

e. Approve the rules of procedure of the Executive Council submitted by the latter;

f. Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;

g. Review scientific and technological developments that could affect the operation of this Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her

functions, to render specialized advice in areas of science and technology relevant to this Convention, to the Conference, the Executive Council or States Parties. The Scientific Advisory Aboard shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;

h. Take the necessary measures to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention, in accordance with Article XIV {Cooperation, Compliance and Dispute Settlement}.

22. The Conference shall, not later than one year after the expiration of the fifth and the tenth year after the entry into force of this Convention, and at such other times within that time period as may be decided upon, convene in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective.

C. The Executive Council

Composition, procedure and decision-making

23. The Executive Council shall consist of 42 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Conference for a term of four years. In order to ensure the effective functioning of this Convention, due regard being paid to equitable geographic distribution, to representation by nuclear-capable states and to the interests of all states to be free from the threat of nuclear devastation, the Executive Council shall be composed as follows:

a. All Nuclear Weapons States Parties;

b. Six or seven States Parties from Asia to be designated by States Parties located in this region;

c. Six or seven States Parties from Latin America and the Caribbean to be designated by States Parties located in this region;

d. Three or four States Parties from Eastern Europe to be designated by States Parties located in this region;

e. Six or seven States Parties from Africa to be designated by States Parties located in this region;

f. Six or seven States Parties from among Western Europe to be designated by States Parties located in this region;

g. Three or four States Parties from the Pacific to be designated by States Parties located in this region;

h. Additional States Parties that have special interest or expertise in implementing the aims of this Convention.

24. For the first election of the Executive Council 21 members shall be elected for a term of two years, and 21 members for a term of four years.

25. The Conference may, on its motion or upon the request of a majority of the members of the Executive Council, review the composition of the Executive Council taking into account developments related to the principles specified in paragraph 23.

26. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

27. The Executive Council shall elect its Chairperson from among its members.

28. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfillment of its powers and functions.

29. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Convention, the Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members. When an issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Executive Council by the majority required for decisions on matters of substance.

Powers and Functions

30. The Executive Council shall be the executive organ of the Agency. It shall be responsible to the Conference. The Executive council shall carry out the powers and functions entrusted to it under this Convention, as well as those functions delegated to it by the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and assure their proper and continuous implementation.

31. The Executive Council shall promote the effective implementation of, and compliance with, this Convention. It shall supervise the activities of the Technical Secretariat, cooperate with the National Authority of each State Party and facilitate consultations and cooperation among States Parties at their request.

32. The Executive Council shall:

a. Consider and submit to the Conference the draft program and budget of the Agency;

b. Consider and submit to the Conference the draft report of the Agency on the implementation of this Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference may request;

c. Make arrangements for the sessions of the Conference including the preparation of the draft agenda.

33. The Executive Council may request the convening of a special session of the Conference.

34. The Executive Council shall:

a. Conclude agreements or arrangements with States and international organizations on behalf of the Agency, subject to prior approval by the Conference;

b. Approve agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties.

35. The Executive Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, and, as appropriate, inform States Parties and request compliance within a specified time.

36. If the Executive Council considers further action to be necessary, it shall take, inter alia, one or more of the following measures in accordance with Article XIV {Cooperation, Compliance and Dispute Settlement}:

a. Inform all States Parties of the issue or matter;

b. Bring the issue or matter to the attention of the Conference;

c. Make recommendations to the Conference regarding measures to redress the situation and to ensure compliance.

d. The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

D. The Technical Secretariat

37. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Convention. It shall carry out the other functions entrusted to it under this Conventions as well as those functions delegated to it by the Conference and the Executive Council.

38. With respect to the verification of and compliance with this Convention, the Technical Secretariat shall:

    a. Maintain the Registry and other information databases in accordance with Section F below;

    b. Maintain and coordinate the operation of the International Monitoring System;

    c. Provide technical assistance in, and support for, the installation and operation of monitoring systems;

    d. Assist the Executive Council in facilitating consultation and clarification among States Parties;

    e. Receive requests for on-site inspections and process them, facilitate the Executive Council consideration of such requests, carry out the preparation for, and provide technical support during, the conduct of on-site inspections, and report to the Executive Council;

    f. Negotiate agreements or arrangements relating to the implementation of verification activities with States Parties, subject to approval by the Executive Council;

    g. Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of this Convention;

    h. Assist the States Parties through their National Authorities on other issues of verification under this Convention.

39. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of various components of the verification regime, in accordance with the Verification Annex. These manuals shall not constitute integral parts of this Convention or the Annexes, and may be changed by the Technical Secretariat subject to approval by the Executive Council. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

40. With respect to administrative matters the Technical Secretariat shall:

a. Prepare and submit to the Executive Council the draft program and budget of the Agency;

b. Prepare and submit to the Executive Council the draft report of the Agency on the implementation of this Convention and such other reports as the Conference or the Executive Council may request;

c. Provide administrative and technical support to the Conference, the Executive Council and subsidiary organs;

d. Address and receive communications on behalf of the Agency to and from States Parties on matters pertaining to the implementation of this Convention;

e. Upon approval by the Executive Council and the Conference, submit the report of the Agency to the United Nations Secretary General.

41. All requests and notifications by States Parties to the Agency shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of the United Nations. In response the Director-General shall use the language of the transmitted request or notification.

42. The Technical Secretariat shall inform the Executive Council of any problem that has arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Convention that have come to its notice in the performance of its verification activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned.

43. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, inspectors and such scientific, technical and other personnel as may be required.

44. The Inspectorate {inspectors and inspector assistants appointed pursuant to the Verification Annex} shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General.

45. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter. The appointment of the Director-General shall be considered a matter of substance governed by paragraph 18.

46. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and the organization and functioning of the Technical

Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

47. The Director-General shall be responsible for the organization and functioning of the Scientific Advisory Board referred to in paragraph 21.g The Director-General shall, in consultation with States Parties and non-governmental sources, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of this Convention. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties and non-governmental sources may submit lists of experts to the Director-General. The Scientific Advisory Board may be called upon to review nuclear or other research and determine whether it is of a nature prohibited under this Convention or of a nature that may contribute to verification of nuclear disarmament.

48. In the performance of their duties, the Director-General, the inspectors and the other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Agency. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Conference and the Executive Council.

49. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

E. Privileges and Immunities

50. The Agency shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

51. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council together with their alternates and advisers, the Director-General and the staff of the Agency shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Agency.

52. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the Agency and the States Parties as well as in an agreement between the Agency and the State in which the headquarters of the Agency is seated.

53. Notwithstanding paragraphs 50 and 51, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Verification Annex.

{Source for above: Chemical Weapons Convention, modified}

F. Registry and Other Databases

54. The Technical Secretariat shall maintain a Registry of the following:

a. All nuclear weapons;
b. All nuclear weapons delivery vehicles;
c. All nuclear facilities;
d. All special nuclear material;
e. All nuclear material other than special nuclear material; and
f. Any other facilities or materials as determined by the Technical Secretariat.

55. Information in the Registry shall be available to all States and to the public.

56. The Technical Secretariat shall obtain information from the following sources:

a. Declarations by States in accordance with the provisions of Article III {Declarations};
b. Reports by States on progress in implementing their obligations under this Convention;
c. The International Monitoring System;
d. National Technical Means;
e. Systematic inspections;
f. Challenge inspections;
g. Other organizations with which the Agency has concluded agreements on sharing information in accordance with Article XVIII, Section A {Relation to Other International Agreements};
h. Other inter-governmental and non-governmental organizations that collect and submit such information;
i. Publicly available sources;
j. Any other sources which the Technical Secretariat deems appropriate.

57. The Technical Secretariat shall make available to the Registry information obtained from the above sources with the exception of information which may remain confidential because of legitimate national and international security concerns or trade secret concerns.

G. International Monitoring System

58. The International Monitoring System shall comprise facilities and systems for monitoring by satellite, fixed on-site sensors, remote sensors, radionuclide sampling, respective means of communication, and other systems developed as deemed necessary by the Agency.

59. The International Monitoring System shall be placed under the authority of the Technical Secretariat.

60. All monitoring facilities of the International Monitoring System shall be owned and operated by the States hosting or otherwise taking responsibility for them except for those systems or facilities which may be owned or operated by another agency or by the United Nations, or constructed or acquired by the Agency in accordance with paragraph 64.

61. The Technical Secretariat shall acquire equipment necessary for collating and analyzing data provided by the International Monitoring System.

62. Any State Party may, if it so decides and upon agreement with the Technical Secretariat, give a monitoring facility to the Agency.

63. The Technical Secretariat may, upon agreement of the Conference and in accordance with its funding guidelines, construct or otherwise acquire a monitoring system or facility if it determines that such a facility or system is necessary for verification of obligations of States under this Convention, and if no State is able or willing to provide such a system or facility or information from such a system or facility to the International Monitoring System.

64. Each State shall have the right to participate in the international exchange of data and to have access to all data made available to the Registry.

65. The Agency shall conclude agreements with other agencies or organizations using international monitoring systems relating to the sharing of information obtained through such systems relevant to the verification of this Convention in accordance with Article XVIII, Section A {Relation to Other International Agreements}.

66. Data obtained by the International Monitoring System not directly relevant to verification of this Convention shall be treated as confidential, except where such information is relevant to the verification of another international agreement [and there is an agreement on sharing such information between the Agency and the organization responsible for implementation of that agreement].

67. Data obtained from the International Monitoring System shall first be analyzed, processed and verified by the Technical Secretariat before being compiled as part of the Registry, in accordance with the provisions of paragraph 57. {Source: CTBT modified}

IX. Nuclear Material

A. Reconstruction and Documentation

1. All military and civilian nuclear material shall be documented and declared according to the guidelines and standards set forth in Article III {Declarations} and the Verification Annex.

2. Special Nuclear Material

   a. Records of production and use of special nuclear material produced in the past shall be reconstructed to the extent possible through analysis of past records, measures of transparency including national legislation aimed at disclosure of information, interviews, and any other appropriate means.

   b. All special nuclear material storage sites and related nuclear facilities usable for production of special nuclear material shall be subject to Safety Controls, including inventory verification as set forth in the Verification Annex.

B. Prohibition and Control of Special Nuclear Material

3. Subject to Section C below, production and use of special nuclear material is prohibited. Existing inventories of special nuclear material shall be subject to Safety Controls and storage and disposal in accordance with the guidelines and standards set forth below and in the Verification Annex.

4. All treatment of nuclear material that improves its quality to the level of special nuclear material or improves the accessibility of special nuclear material is prohibited, including, *inter alia*, separation of plutonium from spent fuel, enrichment of uranium in U-235 beyond unavoidable civilian requirements but not beyond 20%, or extraction of tritium from heavy water, with the exception of exemption quantities.

5. All existing stocks of special nuclear material shall be placed under Safety Controls until a safe method of final disposal is found and approved by the Agency. All handling of special nuclear material except for such handling as necessary for the purposes of this Convention shall be prohibited.

6. [Burning of special fissionable material is prohibited unless the net amount of fissionable material resulting from such burning is reduced.] {This includes the use of MOX fuel and HEU in reactors.}

7. Facilities for the production, research and testing of special nuclear material may be converted to uses consistent with the purposes and obligations of this Convention.

Conversion of such facilities may include research and development for methods of demilitarization and disposal of special nuclear material, including dilution and burning of highly enriched uranium and immobilization and final disposal or transmutation of plutonium.

C. Other Special Nuclear Material

8. The Agency shall establish a licensing process for civilian use of Tritium, Lithium-6, Helium-3, Plutonium-238, and any other special nuclear material, as so deemed by the Agency.

X. Nuclear Weapons

A. General Requirements

1. All nuclear weapons [with corresponding delivery vehicles] shall be taken off alert status, disabled, removed from deployment, declared, and destroyed in accordance with the guidelines and standards of Article III [Declarations], Article IV [Phases for Implementation], the Verification Annex, and the provisions set forth below:

B. Procedures for Destroying Nuclear Weapons

2. Each State Party shall take the following measures with respect to all nuclear weapons that it owns or possesses or that are under its jurisdiction or control:

   a. All warheads shall be bar-coded, registered, and tagged for identification using secure visual tags.

   b. All nuclear weapons shall be destroyed or moved to repositories subject to international Safety Controls. No national access to the repositories is allowed. Weapons may be removed from the repositories only for the purposes of destruction.

   c. All pits from newly dismantled warheads shall be quenched or otherwise deformed and placed in storage under international Safety Controls until final disposal of the special nuclear material, in accordance with the guidelines and standards of Article IX [Nuclear Material] and the Verification Annex.

C. Prevention of Production of Nuclear Weapons

3. All relevant facilities and deployment sites shall be subject to verification, including challenge inspections at any time and non-destructive detection of hidden warheads, to ensure compliance with obligations under this Convention not to develop, produce, or deploy nuclear weapons.

XI. Nuclear Weapons Delivery Vehicles

1. All deployment, development, testing, production, or acquisition of delivery vehicles and launchers designed solely for the purpose of delivering nuclear weapons {Schedule 1 of Annex on Delivery Vehicles} is prohibited.

2. All delivery vehicles and launchers designed solely for the purpose of delivering nuclear weapons shall be destroyed according to Article IV {Phases for Implementation} and the Verification Annex.

3. All delivery vehicles capable of use for the delivery of nuclear weapons or non-nuclear weapons {Schedule 2 of Annex on Delivery Vehicles} shall be destroyed according to Article IV {Phases for Implementation} or converted for purposes not prohibited under this Convention.

XII. Nuclear Facilities

A. Nuclear Weapons Production, Testing, and Research Facilities and Principal Nuclear Facilities

1. All nuclear weapons production facilities shall cease operations prohibited under this Convention and shall be closed or converted to purposes not prohibited under this Convention.

2. All nuclear weapons testing facilities shall cease operations and shall be permanently closed [or converted to purposes not prohibited under this Convention].

3. All nuclear weapons research facilities shall be closed or converted to research in accordance with paragraph 4.

4. Research for the purposes of designing, modernizing, constructing, modifying or maintaining reliability of nuclear weapons is prohibited. Research for the purpose of developing knowledge in the physics of nuclear explosions is prohibited. Research in safety mechanisms for existing nuclear weapons is permitted only until all nuclear weapons are dismantled. Research for the purposes of safe dismantling and destroying of nuclear weapons and for safe disposal of special nuclear materials is permitted.

5. All nuclear reprocessing [and enrichment] facilities shall cease operations and shall be permanently closed.

6. All principal nuclear facilities shall be subject to Safety Controls.

7. All plans for the destruction or conversion of nuclear weapons production, research and testing facilities and principal nuclear facilities, submitted in accordance with Article IV {Phases for Implementation} and the Verification Annex, shall include provisions or recommendations for the placement of former employees of such facilities in positions of employment consistent with their experience and expertise and with the object and purpose of this Convention. Such positions and recommendations may include employment within a converted facility, employment for the destruction of a nuclear facility, employment for the destruction of nuclear weapons or disposition of special nuclear material, or employment within the Agency for the purposes of verification.

B. Command, Control, and Communications Facilities and Deployment Sites

8. Each State Party shall make the following changes to nuclear targeting commands and command systems in accordance with Article IV {Phases for Implementation}:

a. Rescind alert status on all nuclear weapons and delivery vehicles;

b. Remove targeting coordinates from all command and control systems; and

c. Remove navigational information for all nuclear armed missiles from the navigational systems.

9. Each State Party shall, in accordance with Article IV {Phases for Implementation} and the Verification Annex, disable and destroy any facility, system or sub-system designed or used solely for the purpose of launching, targeting, directing or detonating a nuclear weapon or its delivery vehicle, or for aiding or assisting in any of these purposes.

10. Each State Party shall, in accordance with Article IV {Phases for Implementation} and the Verification Annex, and in order to prevent use for purposes prohibited under this Convention, destroy or convert any facility, system or sub-system which is used for the purpose of launching, targeting, directing or detonating a nuclear weapon or its delivery vehicle, or for aiding or assisting in any of these purposes, and which is also used for purposes not prohibited under this Convention.

11. Any facility system or sub-system designed and used for detection of activities prohibited under this Convention is permitted.

12. All plans for the destruction or conversion of command, control, and communications facilities and deployment sites submitted in accordance with Article IV {Phases for Implementation) and the Verification Annex, shall include provisions or recommendations for the placement of former employees of such facilities in positions of employment consistent with their experience and expertise and with the object and purpose of this Convention. Such positions and recommendations may include employment within a converted facility, employment for the destruction of a nuclear facility, employment for the purpose of gathering information, including National Technical Means, and employment within the Agency for the purposes of inspection or other methods of verification.

XIII. Activities Not Prohibited Under This Convention

1. Each State Party has the right, subject to the provisions of this Convention [and other agreements and regulations relating to nuclear materials] to the research, development and use of nuclear energy for peaceful purposes.

2. Each State Party shall adopt the necessary measures to ensure that research, development and use of nuclear energy within its territory or under its control is undertaken only for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject nuclear facilities and nuclear materials listed in the Annex on Nuclear Activities, Components and Equipment of this Convention, or any other activities so declared by the Agency, to verification measures as provided in the Verification Annex.

3. [In the exercise of military activities not prohibited under this Convention,] each State Party shall adopt the necessary measures to ensure that [weapons and] weapons delivery systems are only developed, produced, otherwise acquired, retained, transferred, tested or deployed in a manner consistent with this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject weapons delivery systems including command, communication, control and production facilities to verification measures as provided in the Verification Annex.

XIV. Cooperation, Compliance and Dispute Settlement

A. Consultation, Cooperation, and Fact-finding

1. States Parties shall consult and cooperate, directly among themselves, or through the Agency or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Convention.

2. Each State Party undertakes to cooperate with the Agency and with other States Parties in the improvement of the verification, destruction and conversion regimes, with a view to developing specific measures to enhance the efficient, safe and cost-effective verification, destruction and conversion procedures and methods of this Convention.

3. Without prejudice to the right of any State Party to request a challenge inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, through exchange of information and consultations among themselves, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt or concern shall provide the requesting State Party as soon as possible, but in any case not later than [48] hours after the receipt of a request to clarify a possible threat of use of nuclear weapons or [10] days after the receipt of a request to clarify any other matter, with information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention shall affect the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

Procedure for requesting clarification

4. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with this Convention. The Executive Council shall provide appropriate information in its possession relevant to such a concern.

5. A State Party shall have the right to request the Executive Council to obtain clarification

from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Convention. In such a case, the following shall apply:

a. The Executive Council shall forward the request for clarification to the State Party concerned through the Director-General not later than [24] hours after its receipt;

b. The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case not later than [48] hours after the receipt of a request to clarify possible threat or use of nuclear weapons or [10] days after the receipt of a request to clarify any other matter;

c. The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than [24] hours after its receipt;

d. If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification;

e. For the purpose of obtaining further clarification requested under subparagraph d, the Executive Council may call on the Director-General to establish a group of experts from the Technical Secretariat, or if appropriate staff are not available in the Technical Secretariat, from elsewhere, to examine all available information and data relevant to the situation causing the concern. The group of experts shall submit a factual report to the Executive Council on its findings;

f. If the requesting State Party considers the clarification obtained under subparagraphs d and e to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

6. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to a concern about its possible non-compliance with this Convention. The Executive Council shall respond by providing such assistance as appropriate.

7. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.

8. If the doubt or concern of a State Party about a possible non-compliance has not been resolved within [60] days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding

its right to request a challenge inspection, it may request a special session of the Conference in accordance with Article VIII {Agency}. At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

Procedures for challenge inspections

9. Each State Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex.

10. Each State Party is under the obligation to keep the inspection request within the scope of this Convention and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, care being taken to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relating to the possible non-compliance.

11. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct the on-site challenge inspection pursuant to paragraph 9.

12. Pursuant to a request for a challenge inspection of a facility or location, and in accordance with the procedures provided for in the Verification Annex, the inspected State Party shall have:

    a. The right and the obligation to make every reasonable effort to demonstrate its compliance with this Convention and, to this end, to enable the inspection team to fulfil its mandate;

    b. The obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the concern regarding possible non-compliance; and

    c. The right to take measures to protect sensitive installations, and to prevent disclosure of confidential information and data, not related to this Convention.

13. With regard to an observer, the following shall apply:

    a. The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State

Party or of a third State Party, to observe the conduct of the challenge inspection.

b. The inspected State Party shall then grant access to the observer in accordance with the Verification Annex.

c. The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.

14. The requesting State Party shall present an inspection request for an on-site challenge inspection to the Executive Council and at the same time to the Director-General for immediate processing.

15. The Director-General shall immediately ascertain that the inspection request meets the requirements specified the Verification Annex, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. When the inspection request fulfills the requirements, preparations for the challenge inspection shall begin.

16. The Director-General shall transmit the inspection request to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.

17. After having received the inspection request, the Executive Council shall take cognizance of the Director-General's actions on the request and shall keep the case under its consideration throughout the inspection procedure. However, its deliberations shall not delay the inspection process.

18. The Executive Council may, not later than 12 hours after having received the inspection request, decide by a three-quarter majority of all its members against carrying out the challenge inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Convention as described in paragraph 9. Neither the requesting nor the inspected State Party shall participate in such a decision. If the Executive Council decides against the challenge inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.

19. The Director-General shall issue an inspection mandate for the conduct of the challenge inspection. The inspection mandate shall be the inspection request referred to in paragraphs 9 and 10 put into operational terms, and shall conform with the inspection request.

20. The challenge inspection shall be conducted in accordance with the provisions of the Verification Annex. The inspection team shall be guided by the principle of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.

21. The inspected State Party shall assist the inspection team throughout the challenge inspection and facilitate its task. If the inspected State Party proposes, pursuant to the Verification Annex, arrangements to demonstrate compliance with this Convention, alternative to full and comprehensive access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating its compliance.

22. The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted for the satisfactory implementation of the challenge inspection. The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.

23. The Executive Council shall, in accordance with its powers and functions, review the final report of the inspection team as soon as it is presented, and address any concerns as to:

    a. Whether any non-compliance has occurred;

    b. Whether the request had been within the scope of this Convention; and

    c. Whether the right to request a challenge inspection had been abused.

24. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 23, it shall take the appropriate measures to redress the situation and to ensure compliance with this Convention, including specific recommendations to the Conference. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.

25. The requesting State Party and the inspected State Party shall have the right to participate in the review process. The Executive Council shall inform the States Parties and the next session of the Conference of the outcome of the process.

26. If the Executive Council has made specific recommendations to the Conference, the Conference shall consider action in accordance with Section B.

{Source: CWC, modified}

B. Measures to Redress a Situation and to Ensure Compliance, Including Sanctions

27. The Conference, taking into account the recommendations of the Executive Council, shall take necessary measures, as set forth in paragraphs 28, 29 and 30 to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention.

28. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfill the request within the specified time, the Conference may, *inter alia*, decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Convention until the Conference decides otherwise.

29. In cases where damage to the object and purpose of this Convention may result from non-compliance with the basic obligations of this Convention, the Conference may recommend to States Parties collective measures which are in conformity with international law. Such measures may include restrictions or suspensions of all assistance in nuclear activities outlined in Schedule 2 of the Annex on Nuclear Activities, Components and Equipment. If the State concerned continues in its failure to comply with the request, further sanctions may be imposed.

30. The Conference, or alternatively, if the case is urgent, the Executive Council, may bring the issue, including relevant information, conclusions and recommendations, to the attention of the United Nations General Assembly and the United Nations Security Council.

31. The threat or use of nuclear weapons shall be deemed to be a threat to the peace subject to the provisions of the United Nations Charter.

{Source: CWC, modified}

C. Settlement of Disputes

32. Disputes that may arise concerning the application, implementation or interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention, including Section B and in conformity with the provisions of the Charter of the United Nations.

33. When a disputes arises between two or more States Parties, or between one or more States Parties and the Agency, relating to the application, implementation or interpretation of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation, mediation, arbitration or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court.

34. If other peaceful means of settlement are not found, a State Party in dispute with one or more States Parties may refer the dispute to the International Court of Justice, in conformity with the Statute of the Court [and the Optional Protocol Concerning the Compulsory Settlement of Disputes]. The States Parties involved shall keep the Executive Council informed of actions being taken.

35. The Executive Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure.

36. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII {Agency}.

37. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Agency. An agreement between the Agency and the United Nations shall be concluded for this purpose in accordance with Article VIII {Agency}.

38. This Section is without prejudice to Sections A and B.

{Source: CWC, modified}

XV. Entry Into Force

A. Conditions of Entry Into Force

1. This Convention shall enter into force [..] days after the date on which the following conditions are met:

   a. [All] Nuclear Weapons States have deposited their instruments of ratification; and

   b. All Nuclear Capable States [not party to the Nuclear Non-Proliferation Treaty] have deposited their instruments of ratification; and

   c. At least [..] States in total have deposited instruments of ratification.

2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

B. State Waiver of Entry Into Force Requirements {Two-tier entry into force}:

For States who waive the entry into force requirements, this Convention shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

XVI. Financing

1. The costs of the Agency's activities shall be paid by States Parties in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and this Agency. The budget of the Agency shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification and compliance costs.

2. Each Nuclear Weapon State Party shall meet the costs of destruction of weapons, special nuclear material and nuclear facilities under its authority. Each Nuclear Weapons State shall meet the costs of verification of nuclear facilities under its authority, except for instances of challenge inspections which are funded according to the provisions of the Verification Annex.

3. The Agency shall establish a voluntary fund to assist States Parties to comply with paragraph 2 where such compliance imposes undue financial burdens on them.

XVII. Amendments

1. Any State Party may propose amendments to this Convention. Any State Party may also propose changes, as specified in paragraph 4, to the Annexes of this Convention. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3. Proposals for changes, as specified in paragraph 4, shall be subject to the procedures in paragraph 5.

2. The text of a proposed amendment shall be submitted to the Director-General for circulation to all States Parties and to the Depositary. The proposed amendment shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one third or more of the States Parties notify the Director-General [not later than [60 days] after its circulation] that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

3. Amendments shall enter into force for all States Parties 20 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under subparagraph b below:

   a. When adopted by the Amendment Conference by a positive vote of a majority of all States Parties [with no State Party casting a negative vote]; and

   b. Ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.

4. In order to ensure the viability and the effectiveness of this Convention, provisions in the Annexes shall be subject to changes in accordance with paragraph 5, if proposed changes are related only to matters of an administrative or technical nature.

5. Proposed changes referred to in paragraph 4 shall be made in accordance with the following procedures:

   a. The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

   b. Not later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Convention and its implementation and shall communicate any such information

to all States Parties and the Executive Council;

c. The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfills the requirements of paragraph 4. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days.

d. If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

e. If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph d, a decision on the proposal, including whether it fulfills the requirements of paragraph 4, shall be taken as a matter of substance by the Conference at its next session;

f. The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

g. Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

{Source: CWC, modified}

XVIII. Scope and Application of Convention

A. Relation to other International Agreements

1. Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the United Nations Charter; the Treaty on the Non-Proliferation of Nuclear Weapons; the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean; the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof; the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies; the South Pacific Nuclear Free Zone Treaty; the African Nuclear Free Zone Treaty; the Southeast Asia Nuclear Weapon Free Zone Treaty; any other treaties establishing nuclear weapon free zones; the Comprehensive Nuclear Test Ban Treaty; the Treaty Between the U.S.A. and the U.S.S.R. on the Elimination of Their Intermediate-Range and Short-Range Missiles; the Treaty Between the U.S.A. and the U.S.S.R. on the Reduction and Limitation of Strategic Offensive Arms; the Treaty Between the U.S.A. and Russia on Further Reduction and Limitation of Strategic Offensive Arms; the Treaty Between the U.S.A. and the U.S.S.R. on the Limitation of Anti-Ballistic Missile Systems; or under agreements with the International Atomic Energy Agency.

2. Pursuant to Article VIII {Agency}, the Agency may enter into agreements with the implementing organizations of other international agreements for the purpose of sharing information necessary or applicable to the verification tasks of each organization involved, or for any other purposes that would further the objectives of the international agreements concerned.

B. Status of the Annexes

3. The Annexes form an integral part of this Convention. Any reference to this Convention includes the Annexes.

C. Duration and Withdrawal

4. This Convention shall be of unlimited duration.

5. Withdrawal from this Convention shall not be permitted.

D. Reservations

6. The Articles of this Convention shall not be subject to reservations. The Annexes of this Convention shall not be subject to reservations incompatible with its object and purpose.

XIX. Conclusion of Convention

A. Signature

1. This Convention shall be open for signature for all States before its entry into force.

B. Ratification

2. This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

C. Accession

3. Any State which does not sign this Convention before its entry into force may accede to it at any time thereafter.

D. Depository

4. The Secretary-General of the United Nations is hereby designated as the Depository of this Convention and shall, inter alia:

   a. Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, and of the receipt of other notices;

   b. Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States; and

   c. Register this Convention pursuant to Article 102 of the Charter of the United Nations.

E. Authentic Texts

5. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Optional Protocol Concerning the Compulsory Settlement of Disputes

The States Parties to this Protocol, expressing their wish to resort to the compulsory jurisdiction of the International Court of Justice, unless some other form of settlement is provided for in the Convention or has been agreed upon by the Parties within a reasonable period, have agreed as follows:

Disputes arising out of the interpretation or application of this Convention shall lie within the compulsory jurisdiction of the International Court of Justice, and may accordingly be brought before the Court by an application by any party to the dispute being a Party to this Protocol.

Optional Protocol Concerning Energy Assistance

The States Parties to this Protocol:

Desiring to prevent any threat to the aims and objectives of this Convention from arising due to the proliferation of nuclear technology which could aid or assist in the development of nuclear weapons,

Desiring further to prevent any threat to health and the environment arising from the excessive creation of radionuclides in nuclear reactors,

Affirming the right to the development of sustainable and environmentally safe energy sources,

Have agreed as follows:

1. Not to manufacture, assemble, transfer or otherwise acquire nuclear reactors.

2. Not to use any existing reactor, nor the products from the use of any nuclear reactor.

3. To close any existing nuclear reactors within [five] years of signing this protocol.

4. To assist other Parties to this protocol in the development and use of non-nuclear, sustainable energy sources.

5. To create a voluntary fund for the purposes of implementing paragraph 4.